

BEFORE THE FEDERAL ELECTION COMMISSION

Declaration of Jane M. Timken

- I, Jane M. Timken, declare under penalty of perjury that the following is true and accurate.
 - I am the Chairman of the Ohio Republican Party State Central & Executive Committee.
 My business address is 211 South Fifth Street, Columbus, Ohio, 43215. The statements in this declaration are based on my personal knowledge.
 - I was elected Chairman of the Ohio Republican Party State Central & Executive Committee ("ORP") on January 6, 2017.
 - 3. I was elected as the first female Chairman.
 - 4. The primary reason for my candidacy for ORP Chairman was to remedy the mismanagement, lack of transparency and incompetence of the previous Chairman.
 - 5. Several failures of the previous Chairman were well-known:
 - a. Failure to raise operational funds for the ORP.
 - b. Failure to disclose financial and operational decisions to stakeholders.
 - c. Compliance practices at the ORP were inadequate and not structured appropriately.
 - 6. Several other problems became known as I assumed leadership of the ORP.
 - a. Failure to employ adequate business practices in the operation of the ORP.
 - b. Assumption of significant debt and a mortgage on the ORP building.
 - c. Inability to meet payroll obligations, healthcare for employees and other obligations.
 - d. No document retention policy and failure to maintain records.
 - e. Actions involving the FactGem issue before the FEC.

- 7. My top priority was to raise funds to meet immediate financial obligations, and I accomplished that goal.
- 8. After raising funds, I next implemented a rigid compliance and accounting system.
- In that process, I consulted legal counsel and other professionals familiar with compliance programs at both the state and Federal levels.
- 10. This rigid system did not exist prior to my election, and it has been instrumental in ensuring the ORP is in compliance with the letter and spirit of state and Federal regulations.
- 11. We have implemented a stringent document retention policy.
- 12. I can say with complete confidence that ORP has instituted policies and practices that will safeguard against the circumstances facilitating the FactGem incident.
- 13. I can further attest that individuals responsible for the FactGem incident are no longer employed by the ORP.
- 14. Approximately one month after my election, the Ohio Democratic Party filed a complaint regarding expenditures made by the party in 2013 and 2014, three years before I became Chairman.
- 15. These expenditures were to an entity named FactGem to develop a software program to collect data from publicly available sources, convert that data into voter lists, and then use those voter lists to make phone calls and turn out voters on election day.
- 16. On March 14, 2019, the Commission alerted me that it found reason to believe ORP violated 52 U.S.C. § 30125(b) in making payments to FactGem.
- 17. At my request, my staff conducted an inquiry of all individuals employed by ORP at the time the payments were made who were still employed by ORP.
- 18. At my request, staff conducted an exhaustive review of all files and emails within the possession, custody, and control of ORP.

- 19. This investigation revealed that ORP did not "use [] FactGem's software products in connection with elections in which there were federal candidates on the ballot." See Conciliation Agreement at ¶10.
- 20. This investigation also revealed that ORP did not create or enhance voting lists during the Federal Election Activity Period. See Conciliation Agreement at ¶12.
- 21. The FactGem project paid for by ORP was never used in any Federal election.
- 22. At best, the FactGem project known as Project Ruby, was voter identification activity conducted solely in connection with a non-Federal election held on a date on which no Federal election was held, and it was not used in a subsequent election in which a Federal candidate appeared on the ballot.
- 23. This investigation also revealed that ORP has no email or other records related to:
 - a. Negotiation of the contract with FactGem
 - b. Reason payments were made to FactGem
 - c. Reason ORP stopped paying FactGem.
- 24. ORP informed the Commission of its struggle to obtain information despite its best efforts and diligent investigation.
- 25. On June 25, 2019, the Commission authorized the Office of the General Counsel to enter pre-probable cause conciliation.
- 26. After receiving the Conciliation Agreement, additional investigation revealed that no individual currently employed by the ORP has any knowledge regarding any possible allocation of costs to different products contained in the Agreement with FactGem.
- 27. ORP has provided to the Commission all the information we have available.
- 28. If the Commission requires additional information their only recourse is to contact the former Chairman of ORP who signed the FactGem Agreement and managed that program.

- 29. ORP is unable to transfer \$489,875 from ORP's federal account to ORP's nonfederal account within 30 days.
- 30. ORP is interested in working towards a resolution of this matter on a more reasonable time frame and desires to resolve this matter as quickly as possible.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

By:

Jane M. Timker

Date: July 5, 2019

Jawe M. Timken

Chairman

Ohio Republican Party State

Central and Executive Committee